

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEREMIAH-MATTHEW STORER,

Plaintiff,

v.

PLACER COUNTY SUPERIOR  
COURT, et al.,

Defendants.

Case No. 2:25-cv-02066-DC-CSK PS

FINDINGS AND RECOMMENDATIONS  
DENYING IFP REQUEST, DENYING  
PLAINTIFF'S EX PARTE MOTION FOR  
TEMPORARY RESTRAINING ORDER,  
AND DISMISSING COMPLAINT

(ECF Nos. 1-3)

Plaintiff Jeremiah-Matthew Storer, who is proceeding pro se, brings this action against Defendants Placer County Superior Court, Placer County, Placer County District Attorney, Placer County Sheriffs Office, Placer County Superior Court Judge Todd Irby in his official and individual capacities, Placer County Superior Court Judge Alan Pineschi in his official and individual capacities, Deputy District Attorney Aryn Gordon in her official and individual capacities, and Placer County Deputy Sheriff Daniel Cunningham in his official and individual capacities.<sup>1</sup> See Compl. (ECF No. 1). Pending before the Court is Plaintiff's "Petition for Writ of Mandamus with Ex Parte Application for

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<sup>1</sup> This matter proceeds before the undersigned pursuant to 28 U.S.C. § 636, Fed. R. Civ. P. 72, and Local Rule 302(c), and was referred to the undersigned by the District Judge assigned to the case (ECF No. 4).

1 Emergency Temporary Restraining Order.” See Pl. Mot. (ECF No. 2).

2 For the reasons that follow, the Court recommends DENYING Plaintiff’s motion  
3 for Temporary Restraining Order (“TRO”); recommends DENYING Plaintiff’s motion to  
4 proceed in forma pauperis (ECF No. 3); and recommends DISMISSING Plaintiff’s  
5 Complaint without leave to amend.

6 **I. MOTION TO PROCEED IFP**

7 28 U.S.C. § 1915(a) provides that the court may authorize the commencement,  
8 prosecution or defense of any suit without prepayment of fees or security “by a person  
9 who submits an affidavit stating the person is “unable to pay such fees or give security  
10 therefor.” This affidavit is to include, among other things, a statement of all assets the  
11 person possesses. *Id.* The IFP statute does not itself define what constitutes insufficient  
12 assets. See *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015). In *Escobedo*,  
13 the Ninth Circuit stated that an affidavit in support of an IFP application is sufficient  
14 where it alleges that the affiant cannot pay court costs and still afford the necessities of  
15 life. *Id.* “One need not be absolutely destitute to obtain benefits of the in forma pauperis  
16 statute.” *Id.* Nonetheless, a party seeking IFP status must allege poverty “with some  
17 particularity, definiteness and certainty.” *Id.* According to the United States Department  
18 of Health and Human Services, the current poverty guideline for a household of one (not  
19 residing in Alaska or Hawaii) is \$15,060.00. See U.S. Dpt. Health & Human Service  
20 (available at <https://aspe.hhs.gov/poverty-guidelines>).

21 Here, Plaintiff’s IFP shows that he has no monthly income and greater than \$100  
22 in cash or a checking or savings account. See ECF No. 2. Plaintiff has made the  
23 required showing under 28 U.S.C. § 1915(a). See *id.* However, the Court will  
24 recommend Plaintiff’s IFP application be denied because the action is facially frivolous  
25 and without merit because it fails to state a claim and lacks subject matter jurisdiction.  
26 “A district court may deny leave to proceed in forma pauperis at the outset if it appears  
27 from the face of the proposed complaint that the action is frivolous or without merit.”  
28 *Minetti v. Port of Seattle*, 152 F.3d 1113, 1115 (9th Cir. 1998) (quoting *Tripathi v. First*

1 *Nat. Bank & Tr.*, 821 F.2d 1368, 1370 (9th Cir. 1987)); *see also McGee v. Dep't of Child*  
2 *Support Servs.*, 584 Fed. App'x. 638 (9th Cir. 2014) ("the district court did not abuse its  
3 discretion by denying McGee's request to proceed IFP because it appears from the face  
4 of the amended complaint that McGee's action is frivolous or without merit"); *Smart v.*  
5 *Heinze*, 347 F.2d 114, 116 (9th Cir. 1965) ("It is the duty of the District Court to examine  
6 any application for leave to proceed in forma pauperis to determine whether the  
7 proposed proceeding has merit and if it appears that the proceeding is without merit, the  
8 court is bound to deny a motion seeking leave to proceed in forma pauperis."). Because  
9 it appears from the face of the First Amended Complaint ("FAC") that this action is  
10 frivolous and is without merit as discussed in more detail below, the Court recommends  
11 denying Plaintiff's IFP motion.

## 12 **II. BACKGROUND**

13 Plaintiff filed this action on July 24, 2025 against Defendants Placer County  
14 Superior Court, Placer County, Placer County District Attorney, Placer County Sheriffs  
15 Office, Placer County Superior Court Judge Todd Irby in his official and individual  
16 capacities, Placer County Superior Court Judge Alan Pineschi in his official and  
17 individual capacities, Deputy District Attorney Aryn Gordon in her official and individual  
18 capacities, and Placer County Deputy Sheriff Daniel Cunningham in his official and  
19 individual capacities. *See* Compl. Plaintiff concurrently filed a "Petition for Writ of  
20 Mandamus with Ex Parte Application for Emergency Temporary Restraining Order." *See*  
21 Pl. Mot. Plaintiff filed another federal action on the same day against a different group of  
22 defendants in Case No. 2:25-cv-02065-DC-CSK PS.

23 In the Complaint, Plaintiff lists that he is bringing the following claims: (1) "the  
24 right to domicile privacy"; (2) "substantive/procedural due process"; (3) "freedom of  
25 speech, association, and religion"; (4) "peaceful enjoyment"; (5) "right of parents to make  
26 decisions regarding the care, custody, and control of their children"; (6) "using  
27 deadly/excessive force, intimidation, threats, duress and coercion"; (7) "protection  
28 against unreasonable/illegal searches and seizures"; (8) "right against self-incrimination"

1 and due process”; (9) “right to a fair trial”; (10) equal protection and due process  
2 clauses”; (11) Penal Code sections 1004, 1005(b), 1009, 802, 988, 990, 1382, 186;  
3 (12) California Government Code section 815.2; and (13) California Civil Code  
4 section 52.1. Compl. at 5-6. Plaintiff alleges that he was kidnapped and held hostage for  
5 ransom by Placer County Sheriffs during an unlawful search and seizure at his private  
6 property. *Id.* at 7. On the Civil Cover Sheet attached to the Complaint, Plaintiff lists a  
7 related criminal case in Placer County Superior Court with docket number 62-198183.  
8 (ECF No. 1-1.)

9 In Plaintiff’s TRO motion, he states that he requests immediate relief for July 18  
10 and 25, 2025 hearings held in Placer County, and for an unlawful warrant issued July 18,  
11 2025. Pl. Mot. at 4. Plaintiff states that he was arrested on March 2, 2024; that there was  
12 a demurrer to the original complaint on May 20, 2024; that the demurrer was overruled  
13 on November 26, 2024; that an allegedly unlawful warrant was issued on June 10, 2025,  
14 and he was forced to enter a plea on July 1, 2025. *Id.* at 8-9. Plaintiff alleges that there  
15 was excessive delay because a new charge was filed against him one year and four  
16 months after his arrest. *Id.* at 10. Plaintiff also alleges that multiple judges and district  
17 attorneys were substituted in his case. *Id.* at 10-11. Plaintiff states that he was denied his  
18 right to a speedy trial and denied the right to respond via a demurrer. *Id.* at 19, 23.  
19 Plaintiff also attaches multiple documents that appear to have been filed in two separate  
20 cases, a criminal case in Placer County Superior Court, case number 62-198183, and a  
21 family law case in the San Joaquin County Superior Court, case number STA-FL-DWC-  
22 2011-0003284. (See ECF No. 2-1 at 59-96.) A review of the Placer County Superior  
23 Court docket for criminal case number 62-198183 indicates this case is still open. A  
24 review of the San Joaquin County Superior Court docket for family law case number  
25 STA-FL-DWC-2011-0003284 indicates this case was disposed in 2012.

### 26 **III. SCREENING REQUIREMENT**

#### 27 **A. Legal Standards**

28 Pursuant to 28 U.S.C. § 1915(e), the court must screen every in forma pauperis

1 proceeding, and must order dismissal of the case if it is “frivolous or malicious,” “fails to  
2 state a claim on which relief may be granted,” or “seeks monetary relief against a  
3 defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B); *Lopez v. Smith*,  
4 203 F.3d 1122, 1126-27 (2000) (en banc). A claim is legally frivolous when it lacks an  
5 arguable basis either in law or in fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). In  
6 reviewing a complaint under this standard, the court accepts as true the factual  
7 allegations contained in the complaint, unless they are clearly baseless or fanciful, and  
8 construes those allegations in the light most favorable to the plaintiff. See *Neitzke*, 490  
9 U.S. at 327; *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960  
10 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011).

11 Pleadings by self-represented litigants are liberally construed. *Hebbe v. Pliler*, 627  
12 F.3d 338, 342 & n.7 (9th Cir. 2010) (liberal construction appropriate even post-*Iqbal*).  
13 However, the court need not accept as true conclusory allegations, unreasonable  
14 inferences, or unwarranted deductions of fact. *Western Mining Council v. Watt*, 643 F.2d  
15 618, 624 (9th Cir. 1981). A formulaic recitation of the elements of a cause of action does  
16 not suffice to state a claim. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007);  
17 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

18 To state a claim on which relief may be granted, the plaintiff must allege enough  
19 facts “to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A  
20 claim has facial plausibility when the plaintiff pleads factual content that allows the court  
21 to draw the reasonable inference that the defendant is liable for the misconduct alleged.”  
22 *Iqbal*, 556 U.S. at 678. A pro se litigant is entitled to notice of the deficiencies in the  
23 complaint and an opportunity to amend unless the complaint’s deficiencies could not be  
24 cured by amendment. See *Lopez*, 203 F.3d at 1130-31; *Cahill v. Liberty Mut. Ins. Co.*, 80  
25 F.3d 336, 339 (9th Cir. 1996).

## 26 **B. Discussion**

### 27 1. Younger Abstention

28 In *Younger v. Harris*, the Supreme Court held that when there is a pending state

1 criminal proceeding, federal courts must refrain from enjoining the state prosecution  
2 absent special or extraordinary circumstances. 401 U.S. 37, 45 (1971). The Ninth Circuit  
3 has “articulated a four-part test to determine when *Younger* requires that federal courts  
4 abstain from adjudicating cases that would enjoin or risk interfering with pending state-  
5 court proceedings.” *Duke v. Gastelo*, 64 F.4th 1088, 1094 (9th Cir. 2023). “*Younger*  
6 abstention is appropriate when: (1) there is an ongoing state judicial proceeding; (2) the  
7 proceeding implicate[s] important state interests; (3) there is an adequate opportunity in  
8 the state proceedings to raise constitutional challenges; and (4) the requested relief  
9 seek[s] to enjoin or has the practical effect of enjoining the ongoing state judicial  
10 proceeding.” *Arevalo v. Hennessy*, 882 F.3d 763, 765 (9th Cir. 2018) (alterations in  
11 original) (internal quotation marks and citation omitted). All four factors must be met to  
12 find abstention appropriate. *Duke*, 64 F.4th at 1094. But even if all four *Younger* factors  
13 are satisfied, federal courts will not invoke the abstention doctrine if there is a “showing  
14 of bad faith, harassment, or some other extraordinary circumstance that would make  
15 abstention inappropriate.” *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass’n*, 457  
16 U.S. 423, 435 (1982).

17 Based on Plaintiff’s Complaint and TRO, it appears that Plaintiff’s allegations are  
18 related to an ongoing criminal case in the Placer County Superior Court. In the  
19 Complaint, Plaintiff discussed how a judge issued an unlawful warrant, and lists a case  
20 from the Placer County Superior Court on the Civil Cover Sheet. Compl. at 7; ECF No. 1-  
21 1. Further, in Plaintiff’s TRO motion, Plaintiff requests relief from two hearings that took  
22 place in July 2025 in Placer County. Pl. Mot. at 4. Plaintiff also discusses the date he  
23 was arrested, when an allegedly unlawful warrant was issued, and cites to attached  
24 exhibits from the Placer Court Superior Court. *Id.* at 9; see ECF No. 2-1 at 72. Plaintiff  
25 also discusses how no plea was entered in his case. Pl. Mot. at 11-12. Plaintiff requests  
26 a stay of all Placer County Superior Court proceedings pending resolution of this case.  
27 *Id.* at 39.

28 A review of the Placer County Superior Court docket for case 62-198183 indicates

1 that this criminal case is ongoing, which implicates important state interests, meeting the  
2 first two factors under *Younger*. As to the third factor, there is no indication that Plaintiff  
3 is unable to raise any constitutional claims in the pending state case. See *Penzoil Co. v.*  
4 *Texaco*, 481 U.S. 1, 15 (1987) (holding that federal courts should assume that state  
5 procedures will afford an adequate opportunity for consideration of constitutional claims  
6 “in the absence of unambiguous authority to the contrary”). Finally, Plaintiff’s  
7 presumptive relief, a stay of the Placer County Superior Court proceedings, would enjoin  
8 the ongoing state criminal prosecution, meeting the fourth *Younger* factor. Thus, all four  
9 factors under *Younger* are met. Further, Plaintiff includes no facts or evidence  
10 demonstrating that extraordinary circumstances warrant this Court’s interference with the  
11 Placer County Superior Court proceedings.

12 Because the *Younger* abstention doctrine applies, the Court recommends that this  
13 action be dismissed without prejudice.

## 14 2. Rooker-Feldman Doctrine

15 Under the *Rooker-Feldman* doctrine, federal district courts may not “review the  
16 final determinations of a state court in judicial proceedings.” *Worldwide Church of God v.*  
17 *McNair, et al.*, 805 F.2d 888, 890 (9th Cir. 1986). The doctrine reflects the fact that the  
18 only federal court with the jurisdiction to review state court decisions is the United States  
19 Supreme Court. See *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923). Lower  
20 federal courts can review the constitutionality of laws, but not the judgment of a state  
21 court in a particular case. See *District of Columbia Court of Appeals v. Feldman*, 460  
22 U.S. 462, 482-83 (1983). District courts therefore lack subject matter jurisdiction if the  
23 current claims are “inextricably intertwined” with a state court decision and “the  
24 adjudication of the federal claims would undercut the state ruling or require the district  
25 court to interpret the application of state laws or procedural rules[.]” *Bianchi v.*  
26 *Rylaarsdam*, 334 F.3d 895, 898 (9th Cir. 2003).

27 Plaintiff states in his TRO motion that he was denied the right to file a demurrer to  
28 an amended complaint. Pl. Mot. at 19. To the extent Plaintiff is asking this Court to



1 review the state court's denial of the right to file a demurrer, this is barred by the *Rooker-*  
2 *Feldman* doctrine because it is a final determination of the state court. Accordingly,  
3 Plaintiff's claims should be dismissed.

### 4 3. Judicial Immunity

5 Two of the defendants in this case are Placer County Superior Court Judges,  
6 Presiding Judge Alan Pineschi and Judge Todd Irby. Under the doctrine of judicial  
7 immunity, judges have absolute immunity for their acts related to the judicial process.  
8 See *In re Castillo*, 297 F.3d 940, 947 (9th Cir. 2002); *Demoran v. Witt*, 781 F.2d 155,  
9 158 (9th Cir. 1985).

10 Here, Plaintiff names both judges as Defendants, but does not make specific  
11 claims against either Defendant. Plaintiff states that judges "issued unlawful warrants,  
12 [and] used systemic rotation tactics to evade accountability and obscure constitutional  
13 and due process violations." Compl. at 6. The conduct Plaintiff challenges—issuing  
14 warrants—relates to judicial duties, and Judge Pineschi and Judge Irby have absolute  
15 immunity for these acts. Therefore, Plaintiff's claim against Defendants Judge Pineschi  
16 and Judge Irby should be dismissed. See *In re Castillo*, 297 F.3d at 947.

### 17 4. Prosecutorial Immunity

18 Plaintiff lists Aryn Gordon, Deputy District Attorney, as a Defendant, and also lists  
19 the Placer County District Attorney in general as a Defendant. Compl. at 3, 4. "Attorneys  
20 who prosecute cases on behalf of the Government are absolutely immune from claims  
21 based on their participation in the judicial process." *Joelson v. United States*, 2020 WL  
22 6449196, at \*3 (S.D. Cal. Nov. 3, 2020) (citations omitted); see *Imbler v. Pachtman*, 424  
23 U.S. 409, 422-23, 429-30.

24 Plaintiff does not make any specific allegations against either District Attorney.  
25 Rather Plaintiff makes general allegations that the district attorneys "used systemic  
26 rotation tactics to evade accountability, and obscure constitutional and due process  
27 violations, repeatedly failed to follow statutory guidelines and limitations and, prevented  
28 access to remedy within state court." Compl. at 6. To the extent the conduct Plaintiff



1 challenges relates to the district attorneys' prosecutorial role in the judicial process, the  
2 district attorneys have absolute immunity for these acts. Therefore, the Placer County  
3 District Attorney and Defendant Gordon are immune from this suit, and Plaintiff's claims  
4 against them should be dismissed. See *Joelson*, 2020 WL 6449196, at \*3.

5           5.     Eleventh Amendment Immunity

6           One of the Defendants in this action is the Placer County Superior Court. The  
7 Ninth Circuit has held that the Superior Court of the State of California is an arm of the  
8 state, and therefore has Eleventh Amendment immunity. *Munoz v. Superior Court of Los*  
9 *Angeles Cnty.*, 91 F.4th 977, 980 (9th Cir. 2024). Accordingly, the Placer County  
10 Superior Court is immune from suit, and should be dismissed.

11           6.     Failure to Comply with Federal Rule of Civil Procedure 8

12           The Complaint also does not contain a short and plain statement of a claim as  
13 required by Federal Rule of Civil Procedure 8. In order to give fair notice of the claims  
14 and the grounds on which they rest, a plaintiff must allege with at least some degree of  
15 particularity overt acts by specific defendants which support the claims. See *Kimes v.*  
16 *Stone*, 84 F.3d 1121, 1129 (9th Cir. 1996). From the Complaint, Plaintiff brings the  
17 following claims: (1) "the right to domicile privacy"; (2) "substantive/procedural due  
18 process"; (3) "freedom of speech, association, and religion"; (4) "peaceful enjoyment";  
19 (5) "right of parents to make decisions regarding the care, custody, and control of their  
20 children"; (6) "using deadly/excessive force, intimidation, threats, duress and coercion";  
21 (7) "protection against unreasonable/unlawful searches and seizures"; (8) "right against  
22 self-incrimination and due process"; (9) "right to a fair trial"; (10) equal protection and due  
23 process clauses"; (11) Penal Code sections 1004, 1005(b), 1009, 802, 988, 990, 1382,  
24 186; (12) California Government Code section 815.2; and (13) California Civil Code  
25 section 52.1. Compl. at 5-6. Plaintiff provides general statements related to these claims,  
26 such as that he was kidnapped and held hostage for ransom by Placer County Sheriffs  
27 during an unlawful search and seizure. See Compl. at 7. However, Plaintiff does not  
28 describe these allegedly unlawful acts in detail or provide sufficient information to put

1 Defendants on notice of the claims against them. The Complaint also does not clearly  
2 state the elements of each claim. See Compl. The Complaint also raises claims based  
3 on state criminal statutes that cannot be brought by an individual. See *id.* Although the  
4 Federal Rules adopt a flexible pleading policy, even a pro se litigant's complaint must  
5 give fair notice and state the elements of a claim plainly and succinctly. *Jones v.*  
6 *Community Redev. Agency*, 733 F.2d 646, 649 (9th Cir. 1984).

7 The Complaint is therefore subject to dismissal. See *McHenry v. Renne*, 84 F.3d  
8 1172, 1178-80 (9th Cir. 1996) (affirming dismissal of complaint where "one cannot  
9 determine from the complaint who is being sued, for what relief, and on what theory, with  
10 enough detail to guide discovery").

#### 11 **IV. TEMPORARY RESTRAINING ORDER**

12 In the ex parte TRO motion, Plaintiff seeks an TRO "staying all Placer County  
13 Superior Court proceedings pending resolution." Pl. Mot. at 40.

##### 14 **A. Legal Standards**

15 Plaintiff moves ex parte for a temporary restraining order and writ of mandamus  
16 pursuant to Federal Rules of Civil Procedure 65 against all Defendants. The standard for  
17 issuing a TRO is the same as the standard for issuing a preliminary injunction, which  
18 requires the plaintiff to "establish that he is likely to succeed on the merits, that he is  
19 likely to suffer irreparable harm in the absence of preliminary relief, that the balance of  
20 equities tips in his favor, and that an injunction is in the public interest." *Winter v. Nat.*  
21 *Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Because the first factor "is a threshold  
22 inquiry and is the most important factor," a "court need not consider the other factors" if a  
23 movant fails to show a likelihood of success on the merits. *Baird v. Bonta*, 81 F.4th 1036,  
24 1040 (9th Cir. 2023) (internal quotation marks and citations omitted).

25 "A preliminary injunction is an extraordinary remedy never awarded as of right,"  
26 and may only be awarded upon a clear showing that the plaintiff is entitled to relief.  
27 *Winter*, 555 U.S. at 22, 24 (citation omitted). "Under *Winter*, plaintiffs must establish that  
28 irreparable harm is *likely*, not just possible, in order to obtain a preliminary injunction."

1 *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011).

2 **B. Discussion**

3 **1. Plaintiff's Motion Is Procedurally Deficient**

4 Federal Rule of Civil Procedure 65(b)(1) permits the court to issue a TRO without  
5 notice to the adverse party only if (1) specific facts in the affidavit or underlying pleading  
6 show that immediate and irreparable injury, loss, or damage will result before the  
7 opposing party may be heard; and (2) the movant certifies in writing efforts made to give  
8 notice and the reasons why notice should not be required. Fed. R. Civ. P. 65(b)(1). This  
9 Court's Local Rules also set forth certain procedural mandates for a temporary  
10 restraining order to issue, including that the movant provide the following documents:  
11 (1) a complaint; (2) a motion for temporary restraining order; (3) a brief on the relevant  
12 legal issues; (4) an affidavit to support the existence of irreparable harm; (5) an affidavit  
13 detailing the notice or efforts undertaken or showing good cause why notice should not  
14 be given; (6) a proposed temporary restraining order and provision for bond; (7) a  
15 proposed order with blank for fixing time and date for a hearing; and (8) where a  
16 temporary restraining order is requested ex parte, the proposed order should also notify  
17 the affected parties of the right to apply to the Court for modification or dissolution on two  
18 (2) days' notice or such shorter notice as the Court may allow. E.D. Cal. Local Rule  
19 231(c).

20 Plaintiff's motion is procedurally deficient because it does not appear that Plaintiff  
21 provided proper notice to Defendants. Plaintiff states that providing notice would defeat  
22 the purpose of emergency relief by allowing continued violations, create substantial risk  
23 of retaliation, enable further evasion, and allow harm to continue during the notice period.  
24 Pl. Mot. at 39. On the TRO checklist, Plaintiff stated that notice was not given. (ECF No.  
25 2-2 at 1.) Plaintiff does not include an affidavit or declaration indicating Plaintiff's attempt  
26 to provide notice. See Fed. R. Civ. P. 65(b)(1)(B); E.D. Cal. Local Rule 231(c)(5). Further,  
27 Plaintiff has not provided specific facts in an affidavit clearly showing that immediate and  
28 irreparable injury will result before the adverse party can be heard in opposition. See Fed.

1 R. Civ. P. 65(b)(1)(A).

2 Plaintiff failed to comply with Rule 65(b)(1)(B) and Local Rule 231(c)(5) because  
3 he did not provide notice to Defendants or outline his efforts to provide notice to  
4 Defendants. See Pl. Mot. Courts regularly deny TROs for failing to comply with the  
5 stringent requirements of Rule 65(b)(1), including those sought by pro se plaintiffs. See  
6 *Reno Air Racing Ass'n, Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006) (“courts  
7 have recognized very few circumstances justifying the issuance of an ex parte TRO”);  
8 *Abdel-Malak v. Doe*, 2020 WL 5775818, at \*1 (C.D. Cal. Feb. 20, 2020) (denying TRO  
9 sought by pro se plaintiff for failure to satisfy Rule 65(b)’s “strict requirements”); *Seymour*  
10 *v. U.S. Dep’t of Def.*, 2010 WL 3385994, at \*1 (S.D. Cal. Aug. 26, 2010) (same); *Roman*  
11 *v. Nw. Tr. Servs., Inc.*, 2010 WL 3489962, at \*1 (W.D. Wash. Aug. 31, 2010) (same). In  
12 addition, Plaintiff’s failure to comply with the Local Rules’ requirements for TROs is  
13 sufficient justification to deny the motion. See *Nible v. Macomber*, 2024 WL 2133319, at  
14 \*2 (E.D. Cal. May 13, 2024) (denying TRO sought by pro se plaintiff as procedurally  
15 deficient); see, e.g., *Tri-Valley CAREs v. U.S. Dep’t of Energy*, 671 F.3d 1113, 1131 (9th  
16 Cir. 2012) (“Denial of a motion as the result of a failure to comply with local rules is well  
17 within a district court’s discretion.”).

18 The Court therefore recommends denial of the TRO motion based on these  
19 procedural deficiencies.

20 **2. Plaintiff Has Not Clearly Shown a Likelihood of Success on the**  
21 **Merits**

22 The Court also examines the first and most important *Winter* element: likelihood  
23 of success on the merits. Plaintiff has not demonstrated that he is likely to succeed on  
24 the merits of his claims because, as discussed above, the Complaint fails to sufficiently  
25 plead any claims and many Defendants are immune from suit. Because the first *Winter*  
26 factor of likelihood of success is a threshold inquiry and the most important factor, a  
27 “court need not consider the other factors” if a movant fails to show a likelihood of  
28 success on the merits. *Baird*, 81 F.4th at 1040; see *Garcia v. Google, Inc.*, 786 F.3d 733,

1 740 (9th Cir. 2015). Although pro se pleadings are liberally construed, see *Haines v.*  
2 *Kerner*, 404 U.S. 519, 520-21 (1972), they are still required to conform to the Federal  
3 Rules of Civil Procedure. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995).

4 As discussed above, Plaintiff fails to state a claim against any Defendant.  
5 Accordingly, Plaintiff has failed to establish the likelihood of success on the merits. See  
6 *Feathers v. U.S. SEC*, 2022 WL 17330840, at \*2-3 (N.D. Cal. Nov. 29, 2022) (dismissing  
7 complaint under Rule 8 with leave to amend, and denying TRO based on no available  
8 plausible claims); *In re Trotochau v. Bennet*, 2018 WL 6262843, at \*3 (C.D. Cal. Feb. 13,  
9 2018) (denying TRO where pro se plaintiff failed to state a claim and failed to provide  
10 notice to defendants under Rule 65(b)); *Hanson v. Hanson*, 2014 WL 587867, at \*3 (S.D.  
11 Cal. Feb. 14, 2014) (denying TRO because even when construing pro se complaint  
12 liberally, allegations were insufficient to show likely success on the merits). The Court  
13 need not address the other *Winter* factors based on Plaintiff's failure to show a likelihood  
14 of success on the merits. See *Apartment Ass'n of Los Angeles Cnty., Inc. v. City of Los*  
15 *Angeles*, 10 F.4th 905, 917 (9th Cir. 2021); see also *Baird*, 81 F.4th at 1040. The Court  
16 therefore also recommends DENYING Plaintiff's TRO motion for failing to establish the  
17 likelihood of success on the merits.

## 18 **V. WRIT OF MANDAMUS**

19 Plaintiff also appears to be seeking a writ of mandamus. Pl. Mot. at 12-15. The  
20 federal mandamus statute set forth at 28 U.S.C. § 1361 provides: "The district courts  
21 shall have original jurisdiction of any action in the nature of mandamus to compel an  
22 officer or employee of the United States or any agency thereof to perform a duty owed to  
23 the plaintiff." Here, Plaintiff has not brought his claims against any officer or employee of  
24 the United States or any United States agency. Accordingly, Plaintiff's request for a writ  
25 of mandamus is deficient, and should be dismissed.

## 26 **VI. LEAVE TO AMEND**

27 In considering whether leave to amend should be granted, the Court considers  
28 that Plaintiff's claims are barred by the *Younger* abstention and *Rooker-Feldmen*

doctrines, and that most Defendants are entitled to immunity. Further, Plaintiff's current Complaint does not present a cogent, non-frivolous claim. In light of the Complaint's deficiencies, it appears granting leave to amend would be futile. The Complaint should therefore be dismissed without leave to amend. See *Lopez*, 203 F.3d at 1130-31; *Cato v. United States*, 70 F.3d 1103, 1105-06 (9th Cir. 1995).


## VII. CONCLUSION

Based upon the findings above, it is RECOMMENDED:

1. Plaintiff's motion to proceed in forma pauperis (ECF No. 3) should be DENIED;
2. Plaintiff's motion for a temporary restraining order (ECF No. 2) should be DENIED;
3. Plaintiff's request for a writ of mandamus (ECF No. 2) should be DISMISSED;
4. Plaintiff's Complaint (ECF No. 1) should be DISMISSED without leave to amend; and
5. The Clerk of the Court be directed to CLOSE this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after being served with these findings and recommendations, any party may file written objections with the Court and serve a copy on all parties. This document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections shall be served on all parties and filed with the Court within 14 days after service of the objections. Failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

Dated: 08/11/25

  
CHI SOO KIM  
UNITED STATES MAGISTRATE JUDGE